

### REMARKS

Claims 1-13 are presently pending. Claims 1, 2, 5, 6, 9 and 10 have been amended. The specification has been amended.

Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the remarks appearing below.

#### Objection to the Drawings

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show every feature of the invention specified in the claims. In particular, the Examiner asserts that the top and sides of the fixed ring, the semi-cylindrical body having side surfaces and the convex trailing top and side edges are not shown. Generally, Applicants respectfully disagree.

Regarding the top and sides of the fixed ring, Applicants have amended the claims to remove these terms. Therefore, the objection relative to these terms is moot. That said, Applicants respectfully assert that it is clear from the written description of the present application that the terms "top," "sides" and "bottom" relative to the fishing rod of the present invention have well-established meanings. Referring to any of FIGS. 3-7 of the present application, clearly the "top" of the rod, and any part thereof, refers to the side of the rod or part at issue located opposite the side of the rod on which the reel is attached, i.e., the bottom of the rod. Consequently, the "sides" of the rod, and parts thereof, are the sides that are located 90° from each of the top and bottom as measured around the longitudinal axis of the rod.

Regarding the cylindrical body having side surfaces, paragraph [0014], as amended, states that the cowl "forms a generally semi-cylindrical body . . ." and that the side surfaces of the cowl define continuations of the side surfaces of the handle." The meanings of these passages are clear from FIGS. 3-7.

Regarding the convex trailing top and side edges, paragraph [0014], as amended, states that "cowl 27 includes a convex trailing end 30, convex bottom side edges 32 and a concave shoulder 33 at the rear end 25 of the handle 21." Correspondingly, Applicants have amended claims 2, 6 and 10 to include the terms "convex trailing end" and "convex bottom side edges" in a manner consistent with the drawings and written description of the invention.

Applicants submit that the features the Examiner has identified as not being shown in the drawings are in fact shown and are inherent in the present invention. However, to increase clarity, Applicants have amended the written description and the claims to provide more uniformity between the two in terms of uniformity.

For at least these reasons, Applicants respectfully request that the Examiner withdraw the present objection.

#### **Objection to the Specification**

The Examiner has objected to the specification under 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o) as failing to provide antecedent basis for the claimed invention. In particular, the Examiner states that the specification does not provide antecedent basis for the up locking reel lock. Applicants respectfully disagree.

All of the figures of the present application show an up locking reel lock. As described in the Background section, an up locking reel lock typically includes a locking ring (5) and a nut (6) for securing the locking ring in place. Although the term "up locking reel lock" was not explicitly used in the Description of the Preferred Embodiment section of the present application as filed, this term is used and defined in the Background section. Those skilled in the art would instantly recognize that the locking ring 5 and nut 6 shown in FIGS. 4-7 make up the up locking reel lock of rod 1 shown in these drawings. That said, for clarity sake, Applicants have amended paragraph [0012] of the present application to explicitly define what may be considered to be the up locking reel lock of rod 1.

Since the present specification provides ample antecedent basis for the term "up locking reel lock," Applicants respectfully request that the Examiner withdraw the present objection.

#### **Double Patenting Rejection**

The Examiner has rejected claims 1-13 under the judicially created doctrine of obviousness-type double patenting in view of claims 1-6 of U.S. Patent No. 6,629,382, which issued from the parent application of the present application. In response to this rejection, accompanying this Amendment and Response is a Terminal Disclaimer disclaiming the term of a patent maturing from the present application that might extend beyond the term of U.S. Patent No. 6,629,382.

Based on the submission of the Terminal Disclaimer, Applicants respectfully request that the Examiner withdraw the present rejection of claims 1-13.

**Rejection under 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claims 2-4 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and claim the subject matter that Applicants regard as their invention. In particular, the Examiner states that claim 2 recited "said top and side surfaces" but that it is not clear as to which part that the term "top" corresponds. Claims 3 and 4 depend from claim 2.

Applicants have amended claim 2 to particularly recite that the terms "top" and "side" in this claim refer to the top surface of the semi-cylindrical body and the side surfaces of the semi-cylindrical body, respectively. Consequently, Applicants assert that claims 2-4 are not indefinite and respectfully request that the Examiner withdraw the present rejection.

**Rejections under 35 U.S.C. § 103**

The Examiner has rejected claims 1-13 under 35 U.S.C. § 103 as being obvious in view of Japan publication number 10075691 to Sugamata, U.S. Patent No. Des. 131,494 to Pontis and U.S. Patent No. 5,048,223 to Yamamoto et al., stating that Sugamata discloses a fishing rod having all of the limitations of these claims except a semi-cylindrical cowl forming a continuation of a rod handle and a sleeve overlapping a reel seat body. The Examiner then asserts that Pontis and Yamamoto et al. disclose these features and further asserts that it would have been obvious to a person having ordinary skill in the art at the time of the invention to provide Sugamata's rod with the cowl and sleeve disclosed by Pontis and Yamamoto et al. Applicants respectfully disagree.

Sugamata discloses a down locking fishing rod (1), i.e., a fishing rod having a grip (7) and a reel (R) that is locked in place on a reel seat (generally, 9) using a nut (not labeled) that engages threads (not labeled) adjacent the grip, which is located distal from the butt end of the rod. To secure the reel, the nut is turned so that it moves relative to the reel seat in a direction toward the butt end of the rod (i.e., toward the left in the figure the Examiner provided in the present Office Action). This nut forms part of the down locking reel lock. It is noted that the terms "down" and "up" have particular meanings well known in the art. "Down" refers to the

direction toward the butt end of the rod and "up" refers to the direction away from the butt end. The reel seat is located down the rod from the grip.

Pontis discloses an ergonomic grip for a fishing rod. The grip includes contours that conformally receive various portions of a user's hand. A reel seat is located up the rod from the grip. The Pontis fishing rod is essentially a down locking rod in which the reel (not shown) is secured to the rod by turning a knob (unlabeled) located at the upper end of the reel seat so that a lock (not labeled) moves downward relative to the rod. The grip includes a bulbous portion that appears to be provided to accommodate the thumb of a user during use.

Yamamoto et al. disclose a down locking fishing rod having a handle that consists of a first grip member (13) located proximate the butt end of the rod and a second grip member (14) located up the rod from the first grip member. Regarding the down locking nature of the fishing rod, note the threads (12c) in FIG. 2. The reel seat (reel mounting member 12) is located up the rod from the first grip member and down the rod from the second grip member. The first grip member has a portion (13') that extends over the reel seat opposite the reel and appears to be provided to accommodate the upper region (relative to the up direction of the rod) of a user's palm during use.

In contrast to each of the Sugamata, Pontis and Yamamoto et al. fishing rods, and any combination thereof, claims 1-13, as amended, are directed to a cowl and fishing rod handle particularly configured for an up locking fishing rod, wherein the cowl comprises a semi-cylindrical body that extends down the rod. First, none of the Sugamata, Pontis and Yamamoto et al. fishing rods is an up locking rod. Therefore, none of these fishing rods include an up locking reel lock as required by each of amended independent claims 1, 5 and 9.

Second, none of the Sugamata, Pontis and Yamamoto et al. fishing rods has a cowl that extends down the rod, as required by each of amended independent claims 1, 5 and 9. The Sugamata rod does not include any structure that could be considered a cowl, let alone a cowl extending down the rod. The Pontis rod discloses a bulbous portion that extends up the rod. The Yamamoto et al. patent discloses a first grip member having a portion that extends up the rod. Therefore, even if one were to use either the Pontis or Yamamoto et al. grip with the Sugamata rod, the extending portions would extend up the rod, not down the rod. In this connection,

Applicants further assert that the Pontis and Yamamoto et al. grips are specifically designed to be grips having upwardly extending extensions. It simply would not make sense to orient them the opposite way so that the extensions extend down the rod. Consequently, Applicants assert that the only motivation to change the orientations of the Pontis and Yamamoto et al. grips is hindsight motivation based on the present claims. Of course, this sort of motivation is improper in formulating obviousness-type rejections.

Third, Applicants assert that those skilled in the art would not be motivated to make the combination asserted by the Examiner. This is so because the Sugamata publication is directed to a fishing rod having a telescope attached thereto opposite the reel. Locating the telescope as such obviates the need and, more generally, eliminates the possibility of having any sort of extension located over the reel seat opposite the reel, as is the case with the cowl of the present claims. Consequently, Applicants assert that someone skilled in the art simply would not be motivated to make the present combination. Therefore, the combination is improper.

For at least the foregoing reasons, Applicants assert that independent claim 1, 5 and 9, and claims 2-4, 6-8 and 10-13 that depend therefrom, are not obvious in view of the asserted combination. Therefore, Applicants respectfully request that the Examiner withdraw the present rejection.

#### Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-13, as amended, are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

PETER IRRGANG ET AL.

By: Lawrence H. Meier

Lawrence H. Meier

Registration No.: 31,446

Down Rachlin Martin PLLC

Tel: (802) 863-2375

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